



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, April 14, 2008

Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz

4/11/2008 11:44 AM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Deborah Luckett-Day
Castalia Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
February 25, 2008
March 17, 2008
March 31, 2008

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

1. [Resolution expressing the deep sympathy of Shelby County Government to the family of Judge Kenneth A. Turner for his untimely passing on February 12, 2008. Sponsored by Commissioner Steve Mulroy.](#)
2. [Resolution recognizing April 13-19, 2008 as National Crime Victim's Rights Week. Sponsored by Commissioner George Flinn.](#)
3. Reconvene session of the County Commission. Receive and consider report of the Joint Meeting of the Ad Hoc Committee on Shelby County Charter Amendments and the General Government Committee, including Ordinances proposing amendments to the Shelby County Charter.

Ordinances

4. [ORDINANCE – SECOND READING – Ordinance by the Board of Commissioners for Shelby County, Tennessee to amend Chapter 14.5 of the Code of Shelby County to reduce the annual emission fee amount for the calendar year 2006. Sponsored by Commissioner Joyce Avery.](#)

Zoning and Subdivisions

5. Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.
 - a. Resolution to release the bond that secured the improvements to Dexter Ridge Farms, PD (P.D. 04-307 CC)

Reports and/or Resolutions for Standing Committees

6. Resolution approving an addendum to lease agreement in the amount of \$95,400.00 with Finard Properties, LLC for the Midtown Branch location of the Shelby County Clerk's Office, having a street address of 3468 Plaza Avenue, #201, Memphis, Tennessee, 38111.
7. A resolution approving an amendment to the operating budget of the Shelby County Schools Nurses Program in the amount of \$83,000.00 and an amendment to the position control budget, and this item requires the expenditure of County School funds in the amount of \$83,000.00. Resolution sponsored by Commissioner Joyce Avery.
8. Resolution to accept a grant award from the Department of Health and Human Services, Health Resources and Services Administration to Shelby County Government on behalf of the Memphis and Shelby County Health Department in the amount of \$5,286,370.00 for the purpose of administering HIV Emergency Relief Project grants for the period of April 1, 2008 – March 31, 2009 and amending the FY 2007-2008 Operating Budget and the FY2007-2008 Position Control budget to establish two (2) new budgets. This is an expenditure of federal grant funds. Sponsored by Commissioner Joyce Avery.

9. Resolution approving an amendment to the FY2007-2008 operating budget of the HIV/AIDS/STD Prevention & Surveillance program in the amount of \$5,056 and an amendment to the position control budget, and this item requires the expenditure of Federal through State grant funds under the HIV/AIDS/STD Prevention & Surveillance grant in the amount of \$5,056. Resolution sponsored by Commissioner Joyce Avery.
10. A resolution approving a contract in the amount of \$258,145.25 with the Military Department of Tennessee and the Tennessee Emergency Management Agency, to support local preparedness efforts to respond to all-hazards mass casualty incidents, including terrorism, epidemic disease outbreaks, natural disasters and large-scale hazardous material incidents and this item requires the expenditure of pass through grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \$258,145.25 and amending the FY2007-2008 Operating Budget. Sponsored by Commissioner Sidney Chism.
11. A resolution approving the expenditure of funds by the Office of Preparedness FY 2007-2008 Operating Budget in the amount of \$220,704.00 to Texas Engineering Extension Service, Texas A&M University System (TEEX), for Continuity of Operation/Continuity of Government Plans (COOP/COG), to help build resiliency and allow an agency to carry out its mission, serve the public, and protect employees during a crisis, and this item requires the expenditures of pass through grant funds under the U.S. Department of Homeland Security/Urban Area Security Initiative (UASI) Grant Programs in the amount of \$220,704.00. Sponsored by Commissioner Sidney Chism.

12. Resolution amending the FY 2007/2008 operating budget of the Shelby County Drug Court Residential Grant to provide adjustments in the amount of \$30,600 to benefits, outside contracts, and data processing supplies. This is a pass through grant from the State of Tennessee Office of Criminal Justice Programs to be adjusted in the amount of \$30,600. Sponsored by Commissioner Sidney Chism.
13. Resolution approving a contract with Two Rivers Power Company, LLC and appropriating funds in the amount of \$130,000.00 from Capital Improvement Project Number 101527 for the Shelby County Sheriff's Office Substation emergency generator and this item requires the expenditure of Capital Improvement Funds in the amount of \$130,000.00. Sponsored by Commissioner Sidney Chism.
14. Resolution encouraging all entities with the power to issue PILOT benefits to institute policies and procedures to default any applicant that fails to satisfy its payment obligations to the County of Shelby, Tennessee. Resolution sponsored by Commissioner Mike Ritz.
15. A resolution amending the FY 2008 operating budget for a State of Tennessee Community Enhancement Grant in the amount of \$83,333.00 to provide utility assistance for low-income and disabled citizens. This item requires expenditures of State of Tennessee Community Enhancement Grant funds in the amount of \$83,333.00. Sponsored by Commissioner George Flinn.
16. A resolution amending the FY 07/08 operating budget of the Head Start Program in the amount of \$232,739.00 and amending the personnel compliment. These are grant funds from the U.S. Department of Health and Human Services Administration of Children and Families. Sponsored by Commissioner George Flinn.

17. Resolution approving the conveyance of a parcel of county owned delinquent tax property 37,200 square feet (0.8540 acres) in size, located on the northeast corner of Santa Valley St. and U.S. Highway 64 to the City of Bartlett, without monetary consideration; and to authorize the Mayor to execute a quit claim deed conveying said parcel of land to the City of Bartlett for use in conjunction with its Fletcher Creek Greenbelt/Park System. Sponsored by Commissioner Henri Brooks.
18. A resolution approving the conveyance of a parcel of land, 10,663 square feet (0.24 acres) in size, located on the north side of Westbrook Road at its west dead-end, to the City of Bartlett, without monetary consideration, and to authorize the Mayor to execute a quit claim deed conveying said parcel of land to the City of Bartlett for its ongoing maintenance of sewer line facilities located therein. Sponsored by Commissioner Henri Brooks.
19. A resolution approving the conveyance of a parcel of land 6,011 square feet (0.138 acres) in size, located on the south side of Pontotoc St. and east of Orleans St., back to the City of Memphis, without monetary consideration; and to authorize the Mayor to execute a quit claim deed conveying said parcel of land back to the City of Memphis for proper disposal. Sponsored by Commissioner Henri Brooks.

REGULAR AGENDA

Elections, Appointments, and Confirmations

20. Resolution approving the County Mayor's nomination of Brandon Bryant and Eunice Casey Lipford, Jr. for appointment to the Memphis and Shelby County Downtown Parking Authority. Sponsored by Commissioner Joe Ford.

Ordinances

21. **ORDINANCE- THIRD READING – An Ordinance to promote Open Government by requiring that all Boards, Commissions and Authorities established in whole or in part with Shelby County Government use the SIRE Document Management System with the result that all agendas, resolutions, minutes and other records of meetings be available to the citizens of Shelby County in real time on the internet. This ordinance does not require any expenditure of funds in excess of those funds previously required to purchase the system for use by the County Commission. Sponsored by Chairman David Lillard.**

Zoning and Subdivisions

22. **CASE NO. S.U.P. 08-202 CC**

APPLICANT: SBA Communications Corp.

LOCATION: Approximately 123 feet southeast of the intersection of Appling and Macon Road

REQUEST: South side of Highway 70, +/-90 feet of the Brunswick Farms Road intersection.

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board:

APPROVAL WITH CONDITIONS

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

Reports and/or Resolutions for Standing Committees

23. A resolution authorizing the issuance of general obligation variable rate demand refunding bonds, 2008 Series B of Shelby County, Tennessee, in the principal amount of not to exceed seventy-nine million dollars (\$79,000,000) pursuant to sections 9-21-101, Et. Seq. and Section 49-3-1001, Et. Seq. of the Tennessee Code Annotated (the "T.C.A.") for the purpose of refunding a portion of the County's General Obligation Variable Rate Demand Refunding Bonds, 1999 Series A, issued pursuant to Sections 9-21-901 through 9-21-916 of the T.C.A.; making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee of a sum sufficient to pay as the same shall become due, the interest and principal of the bonds; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of one or more swap agreements, including schedules and confirmations relative to the bonds; authorizing the execution and delivery of an official statement in connection therewith; authorizing the execution and delivery of an escrow deposit agreement, if necessary, in connection with the refunding of the refunded bonds; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; amend the debt service fund budget; and providing an effective date hereof. Sponsored by Commissioner Deidre Malone.

24. Resolution amending Rule 7 of the Commissioners Permanent Rules of Order. Sponsored by Commissioner Joe Ford.

Announcements/Statements

25. **[Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.](#)**

a.) Resolution approving the County Mayor's nomination of Michael J. Massey, Sr. for appointment to the Memphis and Shelby County Community Redevelopment Agency. Sponsored by Commissioner Joe Ford.

Adjournment

26. Resolution of adjournment to April 28, 2008, at 1:30 p.m.